



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5301

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

510 ILCS 70/3.02
510 ILCS 70/16.2
510 ILCS 70/16.3

Amends the Humane Care for Animals Act. Provides that it is aggravated cruelty for a person to knowingly, recklessly, or negligently commit an act that causes more than 50 companion animals to suffer serious injury or death. Provides for criminal and civil penalties and for corporate liability.

LRB095 15985 RCE 41997 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Humane Care for Animals Act is amended by
5 changing Sections 3.02, 16.2, and 16.3 as follows:

6 (510 ILCS 70/3.02)

7 Sec. 3.02. Aggravated cruelty. No person may intentionally
8 commit an act that causes a companion animal to suffer serious
9 injury or death. No person may knowingly, recklessly, or
10 negligently commit an act that causes more than 50 companion
11 animals to suffer serious injury or death. Aggravated cruelty
12 does not include euthanasia of a companion animal through
13 recognized methods approved by the Department of Agriculture.

14 A person convicted of violating Section 3.02 is guilty of a
15 Class 4 felony. A second or subsequent violation is a Class 3
16 felony. In addition to any other penalty provided by law, upon
17 conviction for violating this Section, the court may order the
18 convicted person to undergo a psychological or psychiatric
19 evaluation and to undergo any treatment at the convicted
20 person's expense that the court determines to be appropriate
21 after due consideration of the evaluation. If the convicted
22 person is a juvenile or a companion animal hoarder, the court
23 must order the convicted person to undergo a psychological or

1 psychiatric evaluation and to undergo treatment that the court
2 determines to be appropriate after due consideration of the
3 evaluation.

4 (Source: P.A. 92-650, eff. 7-11-02.)

5 (510 ILCS 70/16.2)

6 Sec. 16.2. Corporations. Corporations may be charged with
7 violations of this Act, and are subject to civil actions under
8 Section 16.3, for the acts of their employees or agents who
9 violate this Act in the course of their employment or agency.

10 (Source: P.A. 92-454, eff. 1-1-02.)

11 (510 ILCS 70/16.3)

12 Sec. 16.3. Civil actions. Any person who has a right of
13 ownership in an animal that is subjected to an act of
14 aggravated cruelty under Section 3.02 or torture under Section
15 3.03 in violation of this Act or in an animal that is injured
16 or killed as a result of actions taken by a person who acts in
17 bad faith under subsection (b) of Section 3.06 or under Section
18 12 of this Act may bring a civil action to recover the damages
19 sustained by that owner, including without limitation an action
20 against a corporation subject to liability under Section 16.2.

21 Damages may include, but are not limited to, the monetary value
22 of the animal, veterinary expenses incurred on behalf of the
23 animal, any other expenses incurred by the owner in rectifying
24 the effects of the cruelty, pain, and suffering of the animal,

1 and emotional distress suffered by the owner. In addition to
2 damages that may be proven, the owner is also entitled to
3 punitive or exemplary damages of not less than \$500 but not
4 more than \$25,000 for each act of abuse or neglect to which the
5 animal was subjected. In addition, the court must award
6 reasonable attorney's fees and costs actually incurred by the
7 owner in the prosecution of any action under this Section.

8 The remedies provided in this Section are in addition to
9 any other remedies allowed by law.

10 In an action under this Section, the court may enter any
11 injunctive orders reasonably necessary to protect animals from
12 any further acts of abuse, neglect, or harassment by a
13 defendant.

14 The statute of limitations for cruelty to animals is 2
15 years.

16 (Source: P.A. 92-454, eff. 1-1-02.)